

STATE OF VERMONT

**SUPERIOR COURT
BENNINGTON UNIT**

**CRIMINAL DIVISION
Docket No. 173-2-19 Bncr**

STATE OF VERMONT

v.

MAX MISCH

RESPONSE TO MOTION TO AMEND CONDITIONS OF RELEASE

NOW COMES the State of Vermont, by and through Assistant Attorney General Ultan Doyle, and respectfully moves this Court to deny Defendant's motion to amend his conditions of release. Defendant has asked this court to strike condition of release #33, which allowed VSP to take possession of any firearms or dangerous/deadly weapons in Defendant's possession. The State asserts that this Defendant's request be denied.

Pursuant to 13 V.S.A. § 7554(2)(D), this Court may impose any condition "found necessary to protect the public" when conditions of release imposed to mitigate risk of flight are insufficient. The State contends that imposition of condition of release # 33 is necessary to protect the public. Defendant has been charged with a gun related offense, possession of high capacity magazines, a law which this Court has held to be constitutional. Defendant did so by allegedly crossing State lines. In addition, Defendant's spouse has claimed that he had been violent with her in past (the affidavit of probable cause in this case refers to an allegation by Defendant's spouse that he assaulted her in 2016 by placing his hands around her neck). And finally, since this condition has been imposed, Defendant has allegedly violated a number of his conditions of release, including purchasing a firearm (thereby violating the very condition he now seeks to strike) and again crossing state lines.

Therefore, for the foregoing reasons, the State respectfully requests that this Court deny Defendant's motion to modify his conditions of release.

DATED at Montpelier, Vermont, this 16th day of September, 2019.

STATE OF VERMONT

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